

**281—41.405 (256B) Special health services.** Some eligible individuals need special health services to participate in an educational program. These individuals shall receive special health services along with their educational program.

**41.405(1) Definitions.** The following definitions shall be used in this rule, unless the context otherwise requires:

*“Assignment and delegation”* occurs when licensed health personnel, in collaboration with the education team, determine the special health services to be provided and the qualifications of individuals performing the health services. Primary consideration is given to the recommendation of the licensed health personnel. Each designation considers the individual’s special health service. The rationale for the designation is documented.

*“Coadministration”* is the eligible individual’s participation in the planning, management and implementation of the individual’s special health service and demonstration of proficiency to licensed health personnel.

*“Educational program”* includes all school curricular programs and activities both on and off school grounds.

*“Education team”* may include the eligible individual, the individual’s parent, administrator, teacher, licensed health personnel, and others involved in the individual’s educational program.

*“Health assessment”* is health data collection, observation, analysis, and interpretation relating to the eligible individual’s educational program.

*“Health instruction”* is education by licensed health personnel to prepare qualified designated personnel to deliver and perform special health services contained in the eligible individual’s health plan. Documentation of education and periodic updates shall be on file at school.

*“Individual health plan”* is the confidential, written, preplanned and ongoing special health service in the educational program. It includes assessment, planning, implementation, documentation, evaluation and a plan for emergencies. The plan is updated as needed and at least annually. Licensed health personnel develop this written plan with the education team.

*“Licensed health personnel”* includes licensed registered nurse, licensed physician, and other licensed health personnel legally authorized to provide special health services and medications.

*“Prescriber”* means licensed health personnel legally authorized to prescribe special health services and medications.

*“Qualified designated personnel”* means a person instructed, supervised and competent in implementing the eligible individual’s health plan.

*“Special health services”* includes, but is not limited to, services for eligible individuals whose health status (stable or unstable) requires:

1. Interpretation or intervention,
2. Administration of health procedures and health care, or
3. Use of a health device to compensate for the reduction or loss of a body function.

“*Supervision*” is the assessment, delegation, evaluation and documentation of special health services by licensed health personnel. Levels of supervision include situations in which:

1. Licensed health personnel are physically present.
2. Licensed health personnel are available at the same site.
3. Licensed health personnel are available on call.

**41.405(2) *Special health services policy.*** Each board of a public school or the authorities in charge of an accredited nonpublic school shall, in consultation with licensed health personnel, establish policy and guidelines for the provision of confidential special health services in conformity with this chapter. Such policy and guidelines shall address and contain:

*a.* Licensed health personnel shall provide special health services under the auspices of the school. Duties of the licensed health personnel include:

- (1) Participating as a member of the education team.
- (2) Providing the health assessment.
- (3) Planning, implementing and evaluating the written individual health plan.
- (4) Planning, implementing and evaluating special emergency health services.
- (5) Serving as a liaison and encouraging participation and communication with health service agencies and individuals providing health care.
- (6) Providing health consultation, counseling and instruction with the eligible individual, the individual’s parent and the staff in cooperation and conjunction with the prescriber.
- (7) Maintaining a record of special health services. The documentation shall include the eligible individual’s name, special health service, prescriber or person authorizing, date and time, signature and title of the person providing the special health service and any unusual circumstances in the provision of such services.
- (8) Reporting unusual circumstances to the parent, school administration, and prescriber.
- (9) Assigning and delegating to, instructing, providing technical assistance to and supervising qualified designated personnel.
- (10) Updating knowledge and skills to meet special health service needs.

*b.* Prior to the provision of special health services the following shall be on file:

- (1) Written statement by the prescriber detailing the specific method and schedule of the special health service, when indicated.
- (2) Written statement by the individual’s parent requesting the provision of the special health service.
- (3) Written report of the preplanning staffing or meeting of the education team.
- (4) Written individual health plan available in the health record and integrated into the IEP.

*c.* Licensed health personnel, in collaboration with the education team, shall determine the special health services to be provided and the qualifications of the individuals performing the special health services. The documented rationale shall include the following:

- (1) Analysis and interpretation of the special health service needs, health status stability, complexity of the service, predictability of the service outcome and risk of improperly performed service.
- (2) Determination that the special health service, task, procedure or function is part of the person’s job description.
- (3) Determination of the assignment and delegation based on the individual’s needs.
- (4) Review of the designated person’s competency.
- (5) Determination of initial and ongoing level of supervision required for quality services.

*d.* Licensed health personnel shall supervise the special health services, define the level of supervision and document the supervision.

*e.* Licensed health personnel shall instruct qualified designated personnel to deliver and perform special health services contained in the eligible individual health plan. Documentation of instruction and periodic updates shall be on file at the school.

*f.* Parents shall provide the usual equipment, supplies and necessary maintenance of the equipment. The equipment shall be stored in a secure area. The personnel responsible for the equipment shall be designated in the individual health plan. The individual health plan shall designate the role of the school, parents and others in the provision, supply, storage and maintenance of necessary equipment.